

Status: Point in time view as at 01/07/2008.

Changes to legislation: Police (Northern Ireland) Act 1998 is up to date with all changes known to be in force on or before 26 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

^{F1}SCHEDULE 1

Textual Amendments

F1 Sch. 1 repealed (4.11.2001) by 2000 c. 32, s. 78(4), Sch. 8; S.R. 2001/396, art. 2, Sch.

^{F2}SCHEDULE 2

Textual Amendments

F2 Sch. 2 repealed (4.11.2001) by 2000 c. 32, s. 78(4), Sch. 8; S.R. 2001/396, ART. 2, SCH.

SCHEDULE 3

Section 51.

THE POLICE OMBUDSMAN FOR NORTHERN IRELAND

Extent Information

E1 For the extent of Sch. 3 see s. 76(1)(2).

The Ombudsman

- 1 (1) The Ombudsman shall be appointed by Her Majesty.
- (2) Subject to the following provisions of this paragraph, a person shall hold and vacate office as Ombudsman in accordance with the terms of his appointment.
- (3) An appointment as Ombudsman may be full-time or part-time.
- (4) An appointment as Ombudsman shall be for—
 - (a) a period of 7 years; or
 - (b) a period ending on the date on which the person appointed attains the age of 70,whichever is the shorter.
- (5) A person whose term of appointment as Ombudsman expires shall not be eligible for re-appointment.

Status: Point in time view as at 01/07/2008.

Changes to legislation: Police (Northern Ireland) Act 1998 is up to date with all changes known to be in force on or before 26 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (6) A person may at any time resign his office as Ombudsman by notice in writing to Her Majesty.
- (7) The Secretary of State may call upon the Ombudsman to retire—
 - (a) in the interests of efficiency or effectiveness; or
 - (b) if satisfied that the Ombudsman has—
 - (i) been convicted of a criminal offence; or
 - (ii) become bankrupt or made a composition or arrangement with his creditors.
- (8) Before calling upon the Ombudsman to retire, the Secretary of State shall give the Ombudsman an opportunity to make, either personally or otherwise, representations to him and shall consider any representations that he makes.
- (9) An Ombudsman who is called upon to retire under sub-paragraph (7) shall retire on such date as the Secretary of State may specify or on such earlier date as may be agreed between him and the Secretary of State.

Remuneration, pensions, allowances, etc.

- 2 (1) The Secretary of State may pay, or make such payments towards the provision of, such remuneration, pensions, allowances or gratuities to or in respect of a person appointed to the office of Ombudsman as he may determine.
- (2) Where a person ceases to hold office as Ombudsman otherwise than on the expiry of his term of office, and it appears to the Secretary of State that there are special circumstances which make it right for that person to receive compensation, the Secretary of State may make to that person a payment of such amount as the Secretary of State may determine.

Staff

- 3 (1) The Ombudsman may, with the approval of the Secretary of State as to numbers and as to remuneration and other terms and conditions of service, employ such persons as he thinks fit to enable him to carry out his functions.
- (2) The Ombudsman may make arrangements for administrative, secretarial or other assistance to be provided for him by persons employed in the civil service.
- (3) Employment by the Ombudsman shall be included among the kinds of employment to which a scheme under section 1 of the ^{M2}Superannuation Act 1972 can apply and accordingly in Schedule 1 to that Act, at the appropriate place in the list of “Other Bodies” there shall be inserted—

“Employment by the Police Ombudsman for Northern Ireland.”.
- (4) Where a person who is employed by the Ombudsman and is by reference to that employment a participant in a scheme under section 1 of the said Act of 1972 is appointed to the office of Ombudsman, the Minister for the Civil Service may determine that his service in that office may be treated for the purposes of the scheme as service as an employee of the Ombudsman; and his rights under the scheme shall not be affected by paragraph 2(1).

Status: Point in time view as at 01/07/2008.

Changes to legislation: Police (Northern Ireland) Act 1998 is up to date with all changes known to be in force on or before 26 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Marginal Citations

M2 1972 c. 11.

- 4 The ^{M3}Employers' Liability (Defective Equipment and Compulsory Insurance) (Northern Ireland) Order 1972 does not require insurance to be effected by the Ombudsman.

Marginal Citations

M3 1972 NI 6.

Assistance by members of the police force

- 5 (1) The Ombudsman and the Chief Constable may enter into arrangements for members of the police force to be engaged for a period of temporary service with the Ombudsman.
- (2) Arrangements under this paragraph shall provide for the payment by the Ombudsman to the [^{F3}Board] of such contribution as may be determined by or in accordance with the arrangements.
- (3) In this paragraph and paragraph 6 “member of the police force” does not include the Chief Constable.

Textual Amendments

F3 Words in *Sch. 3 para. 5(2)* substituted (4.11.2001) by *2000 c. 32, s. 78(1), Sch. 6 para. 23(7)(a); S.R. 2001/396, art. 2, Sch.*

- 6 (1) The Chief Constable may, on the application of the Ombudsman, provide members of the police force or other assistance for the purpose of enabling the Ombudsman to meet any special demand on his resources.
- (2) If it appears to the Secretary of State—
- (a) that it is expedient that members of the police force or other assistance should be provided for the purpose of enabling the Ombudsman to meet any special demand on his resources; and
- (b) that satisfactory arrangements under sub-paragraph (1) cannot be made, or cannot be made in time,
- he may direct the Chief Constable to provide such members of the police force or other assistance for that purpose as may be specified in the direction.
- (3) Directions given under sub-paragraph (2) may be amended or revoked by the Secretary of State.
- (4) Before giving, amending or revoking any directions under this paragraph, the Secretary of State shall consult the Chief Constable and the Ombudsman.
- 7 (1) In this paragraph “relevant service” means—
- (a) temporary service with the Ombudsman on which a member of the police force is engaged in accordance with arrangements under paragraph 5; and

Status: Point in time view as at 01/07/2008.

Changes to legislation: Police (Northern Ireland) Act 1998 is up to date with all changes known to be in force on or before 26 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (b) service by a member of the police force providing assistance to the Ombudsman under paragraph 6.
- (2) A member of the police force on relevant service shall—
 - (a) notwithstanding [F4section 33 of the Police (Northern Ireland) Act 2000], be under the direction and control of the Ombudsman; but
 - (b) have the same powers and privileges and be treated in all other respects as if he were not on relevant service.
- (3) The Ombudsman shall be liable in respect of [F5any unlawful conduct of] members of the police force on relevant service in the performance or purported performance of their functions in like manner as a master is liable in respect of [F5any unlawful conduct of] his servants in the course of their employment, and shall [F5, in the case of a tort,] be treated for all purposes as a joint tortfeasor.
- (4) The Ombudsman may, in such cases and to such extent as appear to him to be appropriate, pay—
 - (a) any damages or costs awarded against a member of the police force in proceedings for [F6any unlawful conduct of] that member while on relevant service;
 - (b) any costs incurred and not recovered by a member of the police force in such proceedings; and
 - (c) any sum required in connection with the settlement of a claim that has or might have given rise to such proceedings.
- (5) The Ombudsman may make arrangements for the legal representation of any member of the police force in any proceedings mentioned in sub-paragraph (4).

Textual Amendments

- F4** Words in Sch. 3 para. 7(2)(a) substituted (4.11.2001) by 2000 c. 32, s. 78(1), Sch. 6 para. 23(7)(b); S.R. 2001/396, art. 2, Sch.
- F5** Words in Sch. 3 para. 7(3) substituted (1.10.2002) by 2002 c. 30, s. 102(1)(2)(g); S.I. 2002/2306, art. 2(f)(xi)
- F6** Words in Sch. 3 para. 7(4)(a) substituted (1.10.2002) by 2002 c. 30, s. 102(4)(5)(e); S.I. 2002/2306, art. 2(f)(xi)

Assistance by members of a police force in Great Britain

- 8 (1) The Ombudsman may enter into arrangements with the chief officer of a police force in Great Britain for members of that police force to be engaged for a period of temporary service with the Ombudsman.
- (2) Arrangements under this paragraph with the chief officer of a police force in Great Britain shall provide for the payment by the Ombudsman to the police authority maintaining that police force of such contribution as may be determined by or in accordance with the arrangements.
- (3) In the following provisions of this paragraph “relevant service” means temporary service with the Ombudsman on which a member of a police force in Great Britain is engaged in accordance with arrangements under this paragraph.

Status: Point in time view as at 01/07/2008.

Changes to legislation: Police (Northern Ireland) Act 1998 is up to date with all changes known to be in force on or before 26 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (4) Notwithstanding anything in any other statutory provision, a member of a police force in Great Britain shall, while engaged on relevant service—
- (a) be under the direction and control of the Ombudsman; and
 - (b) have all the powers and privileges of a constable throughout Northern Ireland and the adjacent United Kingdom territorial waters;
- and subsection (3) of [F7section 32 of the Police (Northern Ireland) Act 2000] applies for the purposes of this sub-paragraph as it applies for the purposes of subsection (2) of that section.
- (5) The Ombudsman shall be liable in respect of torts committed by members of a police force in Great Britain on relevant service in the performance or purported performance of their functions in like manner as a master is liable in respect of torts committed by his servants in the course of their employment, and shall in respect of any such tort be treated for all purposes as a joint tortfeasor.
- (6) The Ombudsman may, in such cases and to such extent as appear to him to be appropriate, pay—
- (a) any damages or costs awarded against a member of a police force in Great Britain in proceedings for a tort committed by that member while on relevant service;
 - (b) any costs incurred and not recovered by such a member in such proceedings; and
 - (c) any sum required in connection with the settlement of a claim that has or might have given rise to such proceedings.
- (7) The Ombudsman may make arrangements for the legal representation of any member of the police force in Great Britain in any proceedings mentioned in sub-paragraph (6).
- (8) In the application of this paragraph to England and Wales, any expression used in this paragraph and in the M4Police Act 1996 has the same meaning in this paragraph as in that Act.
- (9) In the application of this paragraph to Scotland, any expression used in this paragraph and in the M5Police (Scotland) Act 1967 has the same meaning in this paragraph as in that Act.

Extent Information

E2 For extent of para. 8 see s. 76(2).

Textual Amendments

F7 Words in Sch. 3 para. 8(4) substituted (4.11.2001) by 2000 c. 32, s. 78(1), **Sch. 6 para. 23(7)(c)**; S.R. 2001/396, art. 2, **Sch.**

Marginal Citations

M4 1996 c. 16.

M5 1967 c. 77.

Status: Point in time view as at 01/07/2008.

Changes to legislation: Police (Northern Ireland) Act 1998 is up to date with all changes known to be in force on or before 26 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Exercise of functions

- 9 Any functions of the Ombudsman under this Act may be performed by any officer of the Ombudsman authorised for the purpose by the Ombudsman.

Evidence

- 10 A document purporting to be duly signed by, or on behalf of, the Ombudsman shall be received in evidence and, unless the contrary is proved, be taken to be so signed.

Finance

- 11 The Secretary of State shall pay to the Ombudsman such sums as appear to the Secretary of State to be appropriate for defraying the expenses of the Ombudsman under this Act.

- 12 (1) The Ombudsman shall—
- (a) keep proper accounts and proper records in relation to the accounts;
 - (b) prepare in respect of each financial year a statement of accounts in such form as the Secretary of State may direct; and
 - (c) send copies of the statement to the Secretary of State and the Comptroller and Auditor General before the end of the month of August next following the financial year to which the statement relates.
- (2) The Comptroller and Auditor General shall examine, certify and report on each statement received by him under this paragraph and shall lay copies of each statement and of his report before each House of Parliament.

Property

- 13 (1) The Ombudsman may, for the purposes of his functions as such, acquire, hold and dispose of real or personal property.
- (2) Any real or personal property vesting in the Ombudsman for such purposes shall (unless and until disclaimed or disposed of) vest in his successor in office for the time being.
- (3) Where there is a vacancy in the office of Ombudsman at the time when real or personal property would otherwise have vested, the property shall vest in the successor on his appointment.

SCHEDULE 4

Section 74.

AMENDMENTS

Extent Information

E3 For the extent of amendments in Sch. 4 see [s. 76\(1\)\(3\)](#).

Status: Point in time view as at 01/07/2008.

Changes to legislation: Police (Northern Ireland) Act 1998 is up to date with all changes known to be in force on or before 26 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

The Incitement to Disaffection Act 1934 (c. 56)

- 1 In section 2(4) of the Incitement to Disaffection Act 1934 for “the Police (Property) Act 1897” there shall be substituted “ section 31 of the Police (Northern Ireland) Act 1998 ”.

The Police (Overseas Service) Act 1945 (c. 17)

- 2 The Police (Overseas Service) Act 1945 shall extend to Northern Ireland and section 3(4) of that Act shall accordingly cease to have effect.

The Interpretation Act (Northern Ireland) 1954 (c. 33 (N.I.))

F83

Textual Amendments

F8 Sch. 4 para. 3 repealed (4.11.2001) by 2000 c. 32, s. 78(4), Sch. 8; S.R. 2001/396, art. 2, Sch.

The Police (Scotland) Act 1967 (c. 77)

- 4 (1) The Police (Scotland) Act 1967 shall be amended as follows.
- (2) In section 38A(1) after paragraph (c) there shall be inserted—
- “(ca) temporary service with the Police Ombudsman for Northern Ireland on which a person is engaged in accordance with arrangements made under paragraph 8 of Schedule 3 to the Police (Northern Ireland) Act 1998;”.
- (3) In section 38A(6)(c) after “paragraph” insert “ (ca) or ”.
- (4) In section 38A(7)(b) after “by or on behalf of” there shall be inserted “ the Police Ombudsman for Northern Ireland or (as the case may be) ”.

Commencement Information

II Sch. 4 para. 4 in force at 21.2.2003 by S.R. 2003/142, art. 3

The Local Government Act (Northern Ireland) 1972 (c. 9 (N.I.))

- 5 In section 93(3) of the Local Government Act (Northern Ireland) 1972 for “section 7 of the Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968” there shall be substituted “ section 66 of the Police (Northern Ireland) Act 1998 ”.

The Superannuation (Northern Ireland) Order 1972 (NI 10)

- 6 In Article 15 of the Superannuation (Northern Ireland) Order 1972 for paragraphs (c), (d) and (e) there shall be substituted—
- “(c) regulations relating to pensions under section 25 or 26 of the Police (Northern Ireland) Act 1998”.

Status: Point in time view as at 01/07/2008.

Changes to legislation: Police (Northern Ireland) Act 1998 is up to date with all changes known to be in force on or before 26 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

The Overseas Pensions Act 1973 (c. 21)

- 7 In section 2(2)(d) of the Overseas Pensions Act 1973 after sub-paragraph (ii) there shall be inserted “or
 - (iii) a member of the Royal Ulster Constabulary engaged on relevant service within the meaning of section 27(1)(d), (g) or (h) of the Police (Northern Ireland) Act 1998.”.

The House of Commons Disqualification Act 1975 (c. 24)

- 8 In Part III of Schedule 1 to the House of Commons Disqualification Act 1975 the following entry shall be inserted at the appropriate place in alphabetical order—

“The Police Ombudsman for Northern Ireland.”.

Commencement Information

I2 Sch. 4 para. 8 in force at 21.2.2003 by S.R. 2003/142, art. 3

The Northern Ireland Assembly Disqualification Act 1975 (c. 25)

- 9 In Part III of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 the following entry shall be inserted at the appropriate place in alphabetical order—

“The Police Ombudsman for Northern Ireland.”.

Commencement Information

I3 Sch. 4 para. 9 in force at 21.2.2003 by S.R. 2003/142, art. 3

PROSPECTIVE

The Fair Employment (Northern Ireland) Act 1976 (c. 25)

^{F9}10

Textual Amendments

F9 Sch. 4 para. 10 repealed (1.3.1999) by S.I. 1998/3162 (N.I. 21), art. 105(4), Sch. 5; S.R. 1999/81, art. 3

The Animals (Northern Ireland) Order 1976 (NI 13)

- 11 In Article 10(9) of the Animals (Northern Ireland) Order 1976 for the words from “has the same meaning” to the end there shall be substituted “ means a member of the Royal Ulster Constabulary holding the rank of inspector or a higher rank ”.

Status: Point in time view as at 01/07/2008.

Changes to legislation: Police (Northern Ireland) Act 1998 is up to date with all changes known to be in force on or before 26 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

The Sex Discrimination (Northern Ireland) Order 1976 (NI 15)

^{F10}12

Textual Amendments

F10 Sch. 4 para. 12 repealed (4.11.2001) by 2000 c. 32, s. 78(4), Sch. 8; S.R. 2001/396, art. 2, Sch.

The Criminal Damage (Northern Ireland) Order 1977 (NI 4)

13 In Article 8(3) of the Criminal Damage (Northern Ireland) Order 1977 for “The Police (Property) Act 1897” there shall be substituted “ Section 31 of the Police (Northern Ireland) Act 1998 ” and for “that Act” there shall be substituted “ that section ”.

The Customs and Excise Act 1979 (c. 2)

14 In section 139(4)(c) of the Customs and Excise Act 1979 for “the Police (Property) Act 1897” there shall be substituted “ section 31 of the Police (Northern Ireland) Act 1998 ”.

The Firearms (Northern Ireland) Order 1981 (NI 2)

^{F11}15

Textual Amendments

F11 Sch. 4 para. 15 repealed (1.2.2005) by The Firearms (Northern Ireland) Order 2004 (S.I. 2004/702), art. 1(3), Sch. 8 (with art. 81); S.R. 2005/4, art. 3 (with arts. 4-7)

The Ministry of Defence Police Act 1987 (c. 4)

16 In section 1(2)(c) of the Ministry of Defence Police Act 1987 for “taking and subscribing the oath” there shall be substituted “ making the declaration ”.

The Official Secrets Act 1989 (c. 6)

17

Modifications etc. (not altering text)

C1 Sch. 4 para. 17 repealed (4.11.2001) by 2000 c. 32, s. 78(4), Sch. 8; S.R. 2001/396, art. 2, Sch.

The Police and Criminal Evidence (Northern Ireland) Order 1989 (NI 12)

18 (1) The Police and Criminal Evidence (Northern Ireland) Order 1989 shall be amended as follows.

^{F12}(2)

Status: Point in time view as at 01/07/2008.

Changes to legislation: Police (Northern Ireland) Act 1998 is up to date with all changes known to be in force on or before 26 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(3) In Article 24(5) for “section 1 of the Police (Property) Act 1897” there shall be substituted “ section 31 of the Police (Northern Ireland) Act 1998 ”.

F12(4)

F12(5)

F13(6)

Textual Amendments

F12 Sch. 4 para. 18(2)(4)(5) repealed (4.11.2001) by 2000 c. 32, s. 78(4), **Sch. 8**; S.R. 2001/396, art. 2, **Sch.**

F13 Sch. 4 para. 18(6) repealed (8.6.2008) by **The Criminal Justice (Northern Ireland) Order 2008 (S.I. 2008/1216)**, art. 1(3), **Sch. 6 Pt. 2**

Commencement Information

I4 Sch. 4 para. 18 wholly in force at 1.4.1999; Sch. 4 para. 18 not in force at Royal Assent see s. 75(1); Sch. 4 para. 18(2)-(4) in force at 8.10.1998 by **S.R. 1998/346**; Sch. 4 para. 18(5) in force at 9.2.1999 by **S.R. 1999/48**, **art. 3** (with **art. 4**); Sch. 4 para. 18 in force at 1.4.1999 insofar as not already in force by **S.R. 1999/176**, **art. 3** (with **art. 4**)

The Criminal Justice (Northern Ireland) Order 1994 (NI 15)

19 In Article 12(3) of the Criminal Justice (Northern Ireland) Order 1994 for subparagraphs (a) and (b) there shall be substituted—

- “(a) before the end of the period of 6 months beginning on the date on which the order under Article 11 was made; or
- (b) if a successful application under section 31(1) of the Police (Northern Ireland) Act 1998 has been made.”.

The Police Act 1996 (c. 16)

- 20 (1) The Police Act 1996 shall be amended as follows.
- (2) In section 63(1A)(a) for “section 21 of the Police Act (Northern Ireland) 1970” there shall be substituted “ section 27 of the Police (Northern Ireland) Act 1998 ”.
- (3) In section 97(1) after paragraph (e) there shall be inserted—
 - “(ea) temporary service with the Police Ombudsman for Northern Ireland on which a person is engaged in accordance with arrangements made under paragraph 8 of Schedule 3 to the Police (Northern Ireland) Act 1998.”.
- (4) In section 97(6)(c) after “paragraph” insert “ (ea) or ”.
- (5) In section 97(7)(b) after “by or on behalf of” there shall be inserted “ the Police Ombudsman for Northern Ireland or (as the case may be) ”.

F14(6)

Textual Amendments

F14 Sch. 4 para. 20(6) repealed (4.11.2001) by 2000 c. 32, s. 78(4), **Sch. 8**; S.R. 2001/396, art. 2, **Sch.**

Status: Point in time view as at 01/07/2008.

Changes to legislation: Police (Northern Ireland) Act 1998 is up to date with all changes known to be in force on or before 26 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Commencement Information

- I5** Sch. 4 para. 20 partly in force; Sch. 4 para. 20 not in force at Royal Assent see s. 75(1); it is provided by S.R. 1999/48, art. 3 that Sch. 4 para. 20(2)(3)(4)(5) and (9) shall come into operation on 9.2.1999 and it is provided by S.R. 1999/176, art. 3 that Sch. 4 para. 20 except sub-paras. (3)-(5) shall come into operation on 1.4.1999
- I6** Sch. 4 para. 20(3)-(5) in force at 21.2.2003 by S.R. 2003/142, art. 3

The Juries (Northern Ireland) Order 1996 (NI 6)

- 21 In Schedule 2 to the Juries (Northern Ireland) Order 1996 for the entry “Members and staff of the Independent Commission for Police Complaints for Northern Ireland” there shall be substituted—

“The Police Ombudsman for Northern Ireland and persons employed by him.”.

Commencement Information

- I7** Sch. 4 para. 21 in force at 21.2.2003 by S.R. 2003/142, art. 3

The Police Act 1997 (c. 50)

- ^{F15}22

Textual Amendments

- F15** Sch. 4 para. 22 repealed (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), Sch. 17 Pt. 2; S.I. 2006/378, art. 4(1), Sch. para. 13(ff)

The Road Traffic Regulation (Northern Ireland) Order 1997 (NI 2)

- 23 In Article 44(1) of the Road Traffic Regulation (Northern Ireland) Order 1997 for “persons appointed or deemed to have been appointed for the purpose” there shall be substituted “ traffic wardens appointed ”.

The Race Relations (Northern Ireland) Order 1997 (NI 6)

- ^{F16}24

Textual Amendments

- F16** Sch. 4 para. 24 repealed (4.11.2001) by 2000 c. 32, s. 78(4), Sch. 8; S.R. 2001/396, art. 2, Sch.

The Police (Health and Safety)(Northern Ireland) Order 1997 (NI 16)

- ^{F17}25

Status: Point in time view as at 01/07/2008.

Changes to legislation: Police (Northern Ireland) Act 1998 is up to date with all changes known to be in force on or before 26 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Textual Amendments

F17 Sch. 4 para. 25 repealed (4.11.2001) by 2000 c. 32, s. 78(4), Sch. 8; S.R. 2001/396, art. 2, Sch.

SCHEDULE 5

Section 74.

TRANSITIONAL PROVISIONS AND SAVINGS

PART I

GENERAL

Saving for pensions, etc. under repealed provisions

- 1 Where any statutory provision relating to or affecting pensions or other gratuities or allowances is repealed by this Act and not re-enacted, that repeal does not affect the future operation of that provision as respects pensions, gratuities or allowances in respect of any service completed before the date on which the repeal takes effect.

Statutory references to Royal Irish Constabulary, etc.

- 2 Any reference in any statutory provision passed or made before 1st June 1922 to a person holding a particular rank in the Royal Irish Constabulary shall be construed as a reference to a member of the [^{F18}Police Service of Northern Ireland] of the corresponding rank.

Textual Amendments

F18 Words in Sch. 5 para. 2 substituted (4.11.2001) by 2000 c. 32, s. 78(1), Sch. 6 para. 23(8); S.R. 2001/396, art. 2, Sch.

Power to make other transitional or saving provisions

- 3 The Secretary of State may by order make such other transitional or saving provisions as appear to him to be necessary or expedient in connection with the coming into operation of any provision of this Act.

PART II

THE POLICE OMBUDSMAN FOR NORTHERN IRELAND

Interpretation

- 4 In this Part—
“the Commission” means the Independent Commission for Police Complaints for Northern Ireland;

Status: Point in time view as at 01/07/2008.

Changes to legislation: Police (Northern Ireland) Act 1998 is up to date with all changes known to be in force on or before 26 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

“the Ombudsman” means the Police Ombudsman for Northern Ireland;
“the transfer date” means the day appointed by order under section 75 for the coming into operation of section 51(5).

Commencement Information

18 Sch. 5 para. 4 in force at 21.2.2003 by S.R. 2003/142, art. 3

Transfer of property, rights and liabilities of Commission

- 5 (1) On the transfer date all property, rights and liabilities which immediately before that date were property, rights and liabilities of the Commission shall be transferred to, and by virtue of this paragraph vest in, the Ombudsman.
- (2) This paragraph does not apply to any rights or liabilities under a contract of employment (which are dealt with in paragraph 6).

Commencement Information

19 Sch. 5 para. 5 in force at 21.2.2003 by S.R. 2003/142, art. 3

Transfer of staff

- 6 (1) Subject to sub-paragraphs (5) and (6), this paragraph applies to any person who immediately before the transfer date is employed by the Commission.
- (2) A contract of employment between a person to whom this paragraph applies and the Commission shall have effect from the transfer date as if originally made between that person and the Ombudsman.
- (3) Without prejudice to sub-paragraph (2)—
- (a) all the Commission’s rights, powers, duties and liabilities under or in connection with a contract to which that sub-paragraph applies shall by virtue of this paragraph be transferred to the Ombudsman on the transfer date; and
- (b) anything done before that date by or in relation to the Commission in respect of that contract or the employee shall be deemed from that date to have been done by or in relation to the Ombudsman.
- (4) Sub-paragraphs (2) and (3) are without prejudice to any right of an employee to terminate his contract of employment if a substantial change is made to his detriment in his working conditions, but no such right shall arise by reason only of the change in employer effected by this paragraph.
- (5) This paragraph does not apply to a person if his contract of employment terminates on the day immediately before the transfer date.
- (6) Where a person—
- (a) has, prior to the transfer date, entered into a contract of employment with the Commission which is to come into effect on or after that date; and
- (b) would, if the contract had come into effect before that date, have been a person to whom this paragraph applies,

Status: Point in time view as at 01/07/2008.

Changes to legislation: Police (Northern Ireland) Act 1998 is up to date with all changes known to be in force on or before 26 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

he shall be treated as if he were a person to whom this paragraph applies.

Commencement Information

I10 Sch. 5 para. 6 in force at 21.2.2003 by S.R. 2003/142, art. 3

Legal proceedings

- 7 Any legal proceedings by or against the Commission which are pending immediately before the transfer date may be continued on and after that date by or against the Ombudsman.

Commencement Information

I11 Sch. 5 para. 7 in force at 21.2.2003 by S.R. 2003/142, art. 3

Payments to former members of the Commission

- 8 Where a person—
- (a) ceases to be a member of the Commission by reason of its abolition; and
 - (b) does not become the Ombudsman,
- the Secretary of State may make to the person a payment of such amount as the Secretary of State may determine.

Commencement Information

I12 Sch. 5 para. 8 in force at 21.2.2003 by S.R. 2003/142, art. 3

Information received by Commission

- 9 (1) No information received by the Commission in connection with any complaint shall be disclosed by any person who has been a member, officer or servant of the Commission except—
- (a) to the Secretary of State, the Ombudsman or an officer of the Ombudsman;
 - (b) to any other person, so far as may be necessary for the proper discharge of the functions of the Ombudsman; or
 - (c) for the purpose of any criminal, civil or disciplinary proceedings.
- (2) Any person who discloses information in contravention of this paragraph shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Commencement Information

I13 Sch. 5 para. 9 in force at 21.2.2003 by S.R. 2003/142, art. 3

Status: Point in time view as at 01/07/2008.

Changes to legislation: Police (Northern Ireland) Act 1998 is up to date with all changes known to be in force on or before 26 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Financial year

- 10 The first financial year of the Ombudsman shall be the period beginning with the transfer date and ending with the first 31st March which falls at least 6 months after that date.

Commencement Information

I14 [Sch. 5 para. 10](#) in force at 21.2.2003 by [S.R. 2003/142](#), [art. 3](#)

Stamp duty

- 11 Stamp duty shall not be chargeable in respect of any transfer effected by this Schedule.

Commencement Information

I15 [Sch. 5 para. 11](#) in force at 21.2.2003 by [S.R. 2003/142](#), [art. 3](#)

SCHEDULE 6

Section 74.

REPEALS

Extent Information

E4 For the extent of repeals in Sch. 8 see [s. 76\(1\)\(3\)](#).

Commencement Information

I16 [Sch. 6](#) partly in force; [Sch. 6](#) not in force at Royal Assent see [s. 75\(1\)](#); [Sch. 6](#) in force for certain purposes at 8.10.1998 by [S.R. 1998/346](#), [art. 3](#); [Sch. 6](#) in force for certain purposes at 9.2.1999 by [S.R. 1999/48](#), [art. 3](#) (with [art. 4](#)); [Sch. 6](#) in force for certain purposes at 9.2.1999 by [S.R. 1999/176](#), [art. 3](#) (with [art. 4](#))

Chapter or Number	Short Title	Extent of repeal
1803 c. 143.	The Public Officers Protection (Ireland) Act 1803.	The whole Act.
1836 c. 13.	The Constabulary (Ireland) Act 1836.	The whole Act.
1839 c. 75.	The Constabulary (Ireland) Act 1839.	The whole Act.
1848 c. 72.	The Constabulary (Ireland) Act 1848.	The whole Act.
1874 c. 80.	The Constabulary (Ireland) Act 1874.	The whole Act.

Status: Point in time view as at 01/07/2008.

Changes to legislation: Police (Northern Ireland) Act 1998 is up to date with all changes known to be in force on or before 26 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

1883 c. 14.	The Constabulary and Police (Ireland) Act 1883.	The whole Act.
1897 c. 30.	The Police (Property) Act 1897.	The whole Act.
1915 c. 32.	The Irish Police (Naval and Military Service) Act 1915.	The whole Act.
1918 c. 53.	The Constabulary and Police (Ireland) Act 1918.	The whole Act.
1919 c. 68.	The Constabulary and Police (Ireland) Act 1919.	The whole Act.
1922 c. 55.	The Constabulary (Ireland) Act 1922.	The whole Act.
1922 c. 8 (N.I.).	The Constabulary Act (Northern Ireland) 1922.	The whole Act.
1928 c. 25 (N.I.).	The Game Preservation Act (Northern Ireland) 1928.	In section 1 the words “notwithstanding anything in section 15 of the Constabulary (Ireland) Act 1836, as it applies to the said Constabulary”.
1945 c. 17.	The Police (Overseas Service) Act 1945.	Section 3(4).
1953 c. 3 (N.I.).	The Summary Jurisdiction Act (Northern Ireland) 1953.	Section 47.
1953 c. 14 (N.I.).	The Criminal Justice Act (Northern Ireland) 1953.	Section 20.
1954 c. 17.	The Royal Irish Constabulary (Widow’s Pension) Act 1954.	The whole Act.
1954 c. 33 (N.I.).	The Interpretation Act (Northern Ireland) 1954.	In section 43(2) the definitions of “county inspector”, “Inspector General” and “member of the Royal Ulster Constabulary”.
1958 c. 9 (N.I.).	The Summary Jurisdiction and Criminal Justice Act (Northern Ireland) 1958.	Section 37.
1966 c. 17.	The Fisheries Act (Northern Ireland) 1966.	In section 167(1) the words from “notwithstanding” to the end. In section 167(2) the words from “as provided” to “any case”.
1968 c. 28 (N.I.).	The Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968.	Section 7(1)(a).

Status: Point in time view as at 01/07/2008.

Changes to legislation: Police (Northern Ireland) Act 1998 is up to date with all changes known to be in force on or before 26 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

1969 c. 16 (N.I.).	The Theft Act (Northern Ireland) 1969.	Section 25(4).
1970 c. 9 (N.I.).	The Police Act (Northern Ireland) 1970.	The whole Act.
1972 c. 9 (N.I.).	The Local Government Act (Northern Ireland) 1972.	In Schedule 8, paragraph 26.
1972 c. 11.	The Superannuation Act 1972.	In Schedule 1, the entry relating to the Independent Commission for Police Complaints for Northern Ireland.
1972 NI 10.	The Superannuation (Northern Ireland) Order 1972.	In Schedule 1, the entry relating to the Police Complaints Board for Northern Ireland.
1975 c. 24.	The House of Commons Disqualification Act 1975.	In Part II of Schedule 1, the entry relating to the Independent Commission for Police Complaints for Northern Ireland.
1975 c. 25.	The Northern Ireland Assembly Disqualification Act 1975.	In Part II of Schedule 1, the entry relating to the Independent Commission for Police Complaints for Northern Ireland.
1976 c. 25.	The Fair Employment (Northern Ireland) Act 1976.	Section 53(5). In section 53(6) the words “or as a police cadet in relation to that force” (where they twice occur), the words “or cadets” and the definition of “police cadet”.
1976 NI 15.	The Sex Discrimination (Northern Ireland) Order 1976.	Article 19(5). In Article 19(6) the words “or as a police cadet in relation to that force” (where they twice occur), the words “or cadets” and the definition of “police cadet”.
1977 NI 2.	The Police (Northern Ireland) Order 1977.	The whole Order.
1978 c. 23.	The Judicature (Northern Ireland) Act 1978.	In Part II of Schedule 5, the amendment to the

Status: Point in time view as at 01/07/2008.

Changes to legislation: Police (Northern Ireland) Act 1998 is up to date with all changes known to be in force on or before 26 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

		Constabulary (Ireland) Act 1836.
1980 NI 6.	The Criminal Justice (Northern Ireland) Order 1980.	In Schedule 1, paragraph 58.
1984 NI 3.	The Fines and Penalties (Northern Ireland) Order 1984.	In Schedule 3, the entry relating to the Constabulary (Ireland) Act 1836.
1987 NI 10.	The Police (Northern Ireland) Order 1987.	The whole Order.
1989 NI 12.	The Police and Criminal Evidence (Northern Ireland) Order 1989.	Articles 82 and 83.
1994 c. 29.	The Police and Magistrates' Courts Act 1994.	Part III.
		In section 96(3) the words “(and in the case of Part III to Northern Ireland only)” and “Part III”.
1994 NI 15.	The Criminal Justice (Northern Ireland) Order 1994.	Article 11(7) to (8B).
1995 NI 17.	The Police (Amendment) (Northern Ireland) Order 1995.	In Article 2(2) the definitions of “the principal Act” and “the 1987 Order”.
		Parts III and IV.
		In Schedule 1, the amendments to the Police Act (Northern Ireland) 1970.
1996 c. 16.	The Police Act 1996.	In Schedule 7, paragraph 17.
1997 c. 30.	The Police (Property) Act 1997.	The whole Act.
1997 c. 50.	The Police Act 1997.	Sections 130 to 132.
		Section 137(3).
		In Schedule 9, paragraphs 21 and 22.

Status:

Point in time view as at 01/07/2008.

Changes to legislation:

Police (Northern Ireland) Act 1998 is up to date with all changes known to be in force on or before 26 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.